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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,193	12/04/2001	Jeffery Alan Smith	60027.0063US01/BS 01213	3553
39262	7590	04/03/2006	EXAMINER	
BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			PAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/007,193

Applicant(s)

SMITH, JEFFERY ALAN

Examiner

Joseph Pan

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12,14,15 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14,15 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 10, 2006 has been entered.

2. Applicant's response filed on February 10, 2006 has been carefully considered. Claims 1, 8, 12, and 15 have been amended. Claims 1, 3-12, 14-15, and 21-27 remain in the application.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-4, 12, 14-15, 21, 23-24, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanschagrín et al. (U.S. Patent No. 6,295,540).

Referring to claims 1, 12:

Sanschagrín et al. teach:

A method of providing read-only access to network element configuration, comprising:

Receiving a request to access said configuration data for said network element, the request comprising a target identification code corresponding to the network element (see figure 5; column 7, lines 35-39; and column 5, line 21 of Sanschagrín et al.);

Initiating a communication session through a SONET transport center with said network element, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop (see column 3, lines 1-12; and column 1, lines 26-30 of Sanschagrín et al.);

Receiving said configuration data from said network element (see column 3, lines 8-10 of Sanschagrín et al.);

Transmitting said configuration data as a response to said request in the format selected, e.g. read-only format (see column 7, lines 47-51 of Sanschagrín et al.);

Retrieving previously stored configuration data associated with the network element from a database (see figure 2, element 7 of Sanschagrín et al.);

Comparing the previously stored configuration data to the configuration data received from the network element (see column 3, lines 1-12 of Sanschagrín et al.);

Determining whether the previously stored configuration data and the configuration data received from the network element are identical (see column 3, lines 30-36 of Sanschagrín et al.); and

In response to determining that the previously stored configuration data and the configuration data received from the network are not identical, storing the

configuration data received from the network element in the database (see column 3, lines 30-36 of Sanschagrín et al.).

Referring to claims 3, 14:

Sanschagrín et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data (see claim 1 above). Sanschagrín et al. further disclose that administrative features including security and logon procedure will facilitate a user performing the query request (see column 7, lines 39-42, and lines 62-65 of Sanschagrín et al.).

Referring to claim 4:

Sanschagrín et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data (see claim 1 above). Sanschagrín et al. further disclose that the method further comprising:

Retrieving previously stored configuration data associated with said network element from a database (see column 3, lines 5-10 of Sanschagrín et al.);

Comparing said previously stored configuration data to said configuration data received from said network element (see column 3, lines 10-12 Sanschagrín et al.);

Determine whether said previously stored configuration data and said configuration data received from the network element are identical (see column 3, lines 10-12 Sanschagrín et al.);

In response to determining that said previously stored configuration data and said configuration data received from said network element are not identical, storing said configuration data received from said network element in said database (see figure 4, element 13-2; and column 7, lines 8-10 of Sanschagrín et al.).

Referring to claim 15:

Sanschagrín et al. teach:

A computer-readable medium comprising computer executable instructions which, when executed by a computer, cause the computer to:

Initiate a communication session with a network element in response to a request to access configuration data for said network element, the request comprising a target identification code corresponding to the network element (see figure 5; column 7,

lines 35-39; and column 5, line 21 of Sanschagrín et al.), wherein said request further comprises a user login and password, and wherein said computer executable instructions are further operative to cause the computer to generate an error message in response to said request if said user login and password are not authorized to access said configuration data, the network element comprising SONET hubs that are linked by fiber optic connections to form a closed loop (see column 7, lines 62-63; and column 1, lines 6-30 of Sanschagrín et al.);

Receive said configuration data from said network element (see column 3, lines 8-10 of Sanschagrín et al.);

Transmit said configuration data in a read-only format as a response to said request (see column 7, lines 47-51 of Sanschagrín et al.);

Retrieving previously stored configuration data associated with said network element from a database (see column 3, lines 5-10 of Sanschagrín et al.);

Comparing said previously stored configuration data to said configuration data received from said network element (see column 3, lines 10-12 Sanschagrín et al.);

Determine whether said previously stored configuration data and said configuration data received from the network element are identical (see column 3, lines 10-12 Sanschagrín et al.);

In response to determining that said previously stored configuration data and said configuration data received from said network element are not identical, storing said configuration data received from said network element in said database (see figure 4, element 13-2; and column 7, lines 8-10 of Sanschagrín et al.).

Referring to claims 21, 23:

Sanschagrín et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data (see claim 1 above). Sanschagrín et al. further disclose that the TIRKS system supports the full range of transmission technologies, such as SONET, including self-healing rings and other sophisticated SONET configurations, European digital hierarchy standards (SDH), digital circuitry hierarchy (DS0, DS1, DS3), and analog voice circuits (see column 1, lines 26-30 of Sanschagrín et al.).

Referring to claims 24, 26:

Sanschagrin et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data (see claim 1 above). Sanschagrin et al. further disclose the information regarding the installation of the network element and the information regarding the existence of the network element (see column 1, lines 32-39; and column 7, lines 62-65 of Sanschagrin et al.).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-11, 22, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanschagrin et al. (U.S. Patent No. 6,295,540), further in view of Branton, Jr. et al. (U.S. Patent No. 5,870,558).

Referring to claims 5:

i. Sanschagrin et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data. However, Sanschagrin et al. do not specifically mention that the request is received at a web site.

ii. Branton, Jr. et al. disclose a system for effectively retrieving and managing network data, wherein a web server interfaces between the company-wide intranet and the network management system (see column 4, lines 4-6 of Branton, Jr. et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Branton, Jr. et al. into the system of Sanschagrín et al. to provide a web server interface for effectively retrieving and managing network data.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Branton, Jr. et al. into the system of Sanschagrín et al. to provide a web server interface, so that any authorized user can access the network management system via a standard web browser program that communicates with the web server via Hyper-Text Transfer Protocol (HTTP). Such programs are generally available for a wide variety of computer platforms (see column 4, lines 6-10 of Branton, Jr. et al.).

Referring to claims 6, 11:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data (see claim 1 above). Branton, Jr. et al. further disclose that the web server resides in intranet (see column 4, lines 4-6 of Branton, Jr. et al.).

Referring to claim 7:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data (see claim 1 above). Branton, Jr. et al. further disclose that the network element is located on an optical network (see column 2, lines 18-24 of Branton, Jr. et al.).

Referring to claim 8:

i. Sanschagrín et al. teach:

A system for providing read-only access to network element configuration data, comprising:

A network element located on an optical network operative to store configuration data describing the current configuration state of the network element and further operative to provide said configuration data in response to request for said data received through a SONET transport center, the network element comprising SONET



hubs that are linked by fiber optic connections to form a closed loop (see column 1, lines 16-19, and lines 46-58 of Sanschagrín et al.);

A server computer at which a request may be received to view said configuration data (see column 3, lines 4-5 of Sanschagrín et al.), to retrieve said configuration data from said network element in response to said request (see column 3, lines 5-10 of Sanschagrín et al.), and to provide said configuration data in read-only format in response to said request (see column 7, lines 47-51 of Sanschagrín et al.), the request comprising a target identification code corresponding to the network element ((see figure 5; column 7, lines 35-39; and column 5, line 21 of Sanschagrín et al.), to retrieve previously stored configuration data associated with the network element from a database, to compare the previously stored configuration data to the configuration data received from the network element, to determine whether the previously stored configuration data and the configuration data received from the network element are identical, and to store the configuration data received from the network in the database in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical (see column 3, lines 1-41 of Sanschagrín et al.).

ii. Sanschagrín et al. teach the claimed subject matter: a method for providing read-only access to network element configuration data. However, Sanschagrín et al. do not specifically mention that the network element is located on an optical network, and that the server provides a web site interface. On the other hand, Branton, Jr. et al. disclose a system wherein a web server interfaces between the company-wide intranet and the network management system (see column 4, lines 4-6 of Branton, Jr. et al.). Branton, Jr. et al. further disclose that the network element is located on an optical network (see column 2, lines 18-24 of Branton, Jr. et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Branton, Jr. et al. into the system of Sanschagrín et al. to provide a web server interface for effectively retrieving and managing network data, and to use an optical network in the system.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Branton, Jr. et al. into the system of Sanschagrín et al. to provide a web server interface, so that any authorized user can access the network management system via a standard web browser program that communicates with the web server via Hyper-Text Transfer Protocol (HTTP). Such programs are generally available for a wide variety of computer platforms (see column 4, lines 6-10 of Branton, Jr. et al.). The ordinary skilled person would have been motivated to have applied the teaching of Branton, Jr. et al. into the system of Sanschagrín et al. to use an optical network in the system, because it is well known to those skilled in the art of fiber optical networks that optical network (e.g. SONET) is designed to carry large volume of traffic over relatively long distance on fiber optical cable.

Referring to claim 9:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a system for providing read-only access to network element configuration data (see claim 8 above). Sanschagrín et al. further disclose that administrative features including security and logon procedure will facilitate a user performing the query request (see column 7, lines 39-42, and lines 62-65 of Sanschagrín et al.).

Referring to claim 10:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a system for providing read-only access to network element configuration data (see claim 8 above). Sanschagrín et al. further disclose that the system further comprising:

Retrieving previously stored configuration data associated with said network element from a database (see column 3, lines 4-10 of Sanschagrín et al.);

Comparing said previously stored configuration data to said configuration data received from said network element (see column 3, lines 10-12 Sanschagrín et al.);

Determine whether said previously stored configuration data and said configuration data received from the network element are identical (see column 3, lines 10-12 Sanschagrín et al.);

In response to determining that said previously stored configuration data and said configuration data received from said network element are not identical, storing

said configuration data received from said network element in said database (see column 7, lines 8-10 Sanschagrín et al.).

Referring to claim 22:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a system for providing read-only access to network element configuration data (see claim 8 above). Sanschagrín et al. further disclose that the system further disclose that the TIRKS system supports the full range of transmission technologies, such as SONET, including self-healing rings and other sophisticated SONET configurations, European digital hierarchy standards (SDH), digital circuitry hierarchy (DS0, DS1, DS3), and analog voice circuits (see column 1, lines 26-30 of Sanschagrín et al.).

Referring to claim 25:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a system for providing read-only access to network element configuration data (see claim 8 above). Sanschagrín et al. further disclose the information regarding the installation of the network element and the information regarding the existence of the network element (see column 1, lines 32-39; and column 7, lines 62-65 of Sanschagrín et al.).

Referring to claim 27:

Sanschagrín et al. and Branton, Jr. et al. teach the claimed subject matter: a system for providing read-only access to network element configuration data (see claim 8 above). Sanschagrín et al. further disclose the optical network (see column 1, lines 26-30 of Sanschagrín et al.), the information regarding the installation of the network element and the information regarding the existence of the network element (see column 1, lines 32-39; and column 7, lines 62-65 of Sanschagrín et al.).

### **Response to Arguments**

7. Applicant's arguments filed on February 10, 2006 have been fully considered but they are not persuasive.

a) Applicant argues:

"Accordingly, Sanschagrín does not disclose directly communicating with a network element in network 20, rather Sanschagrín merely discloses communicating with NM 11,, which at least in not in network 20. (see FIG. 1.)" (see page 3, Applicant Arguments/Remarks)

Examiner maintains:

Sanschagrín et al. disclose that Nortel's Integrated Network Management (INM) Broadband element management system (EMS) employs the philosophy of "the network is the database", and can make use of current technology to obtain an accurate, up-to-date view of the configurations of all the network elements that the INM controls (see figure 2, elements 11, 20; and column 1, lines 52-58 of Sanschagrín et al.). Therefore, INM [i.e., Integrated Network Management] communicates directly with the INE [i.e., Intelligent Network Element] to obtain the accurate, up-to-date configuration data of the network element, and is in the network.

b) Applicant argues:

"Furthermore, while Sanschagrín compares data, Sanschagrín does not compare stored data with data received from an actual functioning network element, rather Sanschagrín merely compares data from two different data bases, one database in NM 11 and another database in TIRKS 1." (see page 3, Applicant Arguments/Remarks)

Examiner maintains:

As explained above, Sanschagrín et al. disclose that INM [i.e., Integrated Network Management] communicates directly with the INE [i.e., Intelligent Network Element] to obtain the accurate, up-to-date configuration data of the network element (see figure 2, elements 11, 20 of Sanschagrín et al.), and returns the configuration data to the data synchronizer. The data synchronizer then compares the configuration data returned from the TIRKS database (see 2, element 7 of Sanschagrín et al.) with the configuration data returned from the INM.

c) Applicant argues:

"Sanschagrin does not anticipate the claimed invention because Sanschagrin at least does not disclose "in response to the request, initiating a communication session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to for a closed loop"" (see page 3, Applicant Arguments/Remarks)

Examiner maintains:

Sanschagrin et al. disclose that the TIRKS system supports the full range of transmission technologies, such as SONET, including self-healing rings and other sophisticated SONET configurations, European digital hierarchy standards (SDH), digital circuitry hierarchy (DS0, DS1, DS3), and analog voice circuits (see column 1, lines 26-30 of Sanschagrin et al.). Sanschagrin et al. further disclose that NORTEL'S integrated network management/manager (INM) broadband product is an open, multi-technology and multi-vendor distributed element management system (see column 1, lines 46-48 of Sanschagrin et al.). Therefore, Sanschagrin et al. teach initiating a communication session through a SONET transport center with the network element, the network element comprising SONET hubs that are linked by fiber optic connections to for a closed loop.

d) Applicant argues:

"Furthermore, applicants asserted that neither Sanschagrin nor Branton disclose: i) retrieving previously stored configuration data associated with the network element from a database; ii) comparing the previously stored configuration data to the configuration data received from the network element; iii) determining whether the previously stored configuration data and the configuration data received from the network element are identical; or iv) storing the configuration data received from the network element in the database in response to determining that the previously stored configuration data and the configuration data received from the network element are not identical." (see page 1, Applicant Arguments/Remarks)

Examiner maintains:

Sanschagrin discloses that "Accordingly, the invention provides a method for alignment of inventory data obtained with a record keeping system using a network management system of a communication network, comprising: requesting an inventory verification specifying a type of data to be returned; initiating a command to separately query the network manager and the record keeping system regarding the type of data on the network; receiving, in response to the command, current inventory data returned from the network manager and the inventory data returned by the record keeping system; and comparing the current inventory data with the inventory data to determine a data discrepancy." (see column 3, lines 1-12 of Sanschagrin). Sanschagrin further disclose that "For each discrepancy, this method determines whether it can automatically correct the TIRKS databases or if human analysis is required." (see column 3, lines 33-36 of Sanschagrin). Therefore, Sanschagrin teaches the items (i) – (iv) listed above.

e) Applicant argues:

"Combining Sanschagrin with Branton would not have led to the claimed invention because Sanschagrin and Branton, either individually or in combination, at least do not disclose "a network element...operative to...received through a SONET transport center, the network element comprising SONET hub that are lined by fiber optic connections to from a closed loop" or "a server computer...operative to...,...to receive previously stored configuration data associated with the network element from a database; to compare the previously stored configuration data to the configuration data received from the network element, to determine whether the previously stored configuration data and the configuration data received from the network element are identical, and to store the configuration date received from the network element in the database in response to determining that the previously stored configuration data the configuration data received from the network element are not identical" (see page 8, Applicant Arguments/Remarks)

Examiner maintains:

See examiner's answers (c) and (d) above.

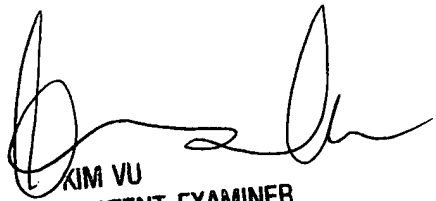
**Conclusion**

8, Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan  
March 23, 2006

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100